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CLARK COUNTY, SHAY RIGGS-HORN,
ASHLEY DURROUGH and TROY ARMSTRONG

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRUCE WOLF, as Litigation Guardian Ad
Litem for C.A.R., D.O.B.: 1/19/2002, C.J.R.,
D.O.B.: 1/17/2005 and G.Y.R., D.O.B:
10/7/2006,

Plaintiffs,

vs.

CLARK COUNTY, SHAY RIGGS-HORN,
ASHLEY DURROUGH, TROY
ARMSTRONG AND JOHN AND JANE
DOES 1-10.

Defendants.

CASE NO. 2:17-cv-02084-JCM-NJK

**AMENDED STIPULATION AND ORDER
TO EXTEND DISCOVERY**
(Second Request)

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Pursuant to FRCP 6 and FRCP 26, the parties, by and through their respective counsel of record, hereby stipulate and agree to jointly move this Court for an Order to:

1. Extend the date to disclose initial expert witnesses from 5/10/18 to 8/10/18
2. Extend the date to disclose rebuttal expert witnesses from 6/8/18 to 9/8/18
3. Extend the discovery cut-off date from 7/10/18 to 10/10/18
4. Extend the date to file dispositive motions from 8/8/18 to 11/8/18;
5. Extend the date to file the Joint Pre-Trial Order from 9/7/18 to 12/7/18. In the event dispositive motions are filed, the date set for filing the Joint Pre-Trial Order shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of the court.

I. DISCOVERY COMPLETED

Defendant Clark County ("Defendant") made its initial witness and document disclosure pursuant to FRCP 26(a)(1) on 11/2/17. Plaintiffs made their initial witness and document disclosure pursuant to FRCP 26(a)(1) on 10/10/17, and three supplemental disclosures thereafter, the last one made on 4/2/18. Defendants made their first supplemental disclosure and eight supplemental disclosures thereafter, the last one made on 2/26/18. Defendants will make a ninth supplemental disclosure in the near future. Thousands of pages of documents have been produced by the parties in this case and more expect to be produced.

Plaintiffs propounded written discovery to Defendant on 12/7/17, which Defendant responded to. Defendant propounded written discovery to Plaintiffs, to which Plaintiffs responded. Plaintiffs issued second interrogatories and requests for production and first requests for admission to Defendants. Those responses are due on 5/23/18. Defendant will issue some additional written discovery to Plaintiffs and/or are waiting for Plaintiffs to supplement their prior discovery responses based on those responses.

II. GROUNDS FOR DISCOVERY EXTENSION:

On 4/10/18, Plaintiffs filed a Second Amended Complaint, this time naming Defendant Clark County Department of Family Services, which is an entity that cannot be sued. In addition, the Second Amended Complaint added three new Defendants -- Shay Riggs-Horn, Ashley Durrough and Troy Armstrong. Mr. Armstrong is currently deployed and is not expected to return to his employment in or about June 2018. Plaintiffs' recent discovery refers to and requires information from Mr. Armstrong. The discovery responses are due on 5/23/18. On 5/16/18, Plaintiffs filed a Third Amended Complaint against Clark County, etc., after the deadline to make initial expert disclosures in this case had passed on 5/10/18. Thus, the Third Amended Complaint was filed 6 days after the initial expert disclosure deadline had passed. Plaintiffs' Third Amended Complaint added no new claims but changed Defendant "Clark County Department of Family Services," which is not a suable entity, to Defendant "Clark County."

The parties request an extension to all discovery deadlines by 90 days. The deadline to make initial expert disclosures was 5/10/18. (ECF No. 46 and 47). When a request to extend a deadline is filed after the deadline has expired, Local Rule 26-4 and Local Rule 1A 6-1 both require that the movants "demonstrate that the failure to act was the result of excusable neglect." There is good cause for and excusable neglect justifying an extension of the discovery deadlines, including the initial expert deadline that has passed, because new parties have been added that need to make an appearance and have input in all discovery including expert disclosures, Plaintiffs filed the Third Amended Complaint five days ago after the deadline to make initial expert disclosures had passed, the parties tried to but were unsuccessful in obtaining this extension before the deadline had passed and before the Third Amended Complaint was filed although they submitted a stipulation (ECF No. 72 and 73), additional discovery needs to be

1 done, deployment issues, and expert disclosures need to be made. Therefore, the parties hereby
2 stipulate and request that this Court extend discovery in the above-captioned case for another 90
3 days, up to and including 10/10/18, due to the special circumstances indicated above that
4 support this request. In light of all of the above, the parties agree that in the interests of fairness
5 and given what occurred above, that there is good cause to extend the deadlines, including the
6 one deadline that has passed.
7

8 **III. DISCOVERY THAT REMAINS TO BE COMPLETED:**

9 **A. Plaintiffs:**

- 10 1. Plaintiffs would like to take the depositions of Defendant's employees
11 once it has received and reviewed Defendant's documents;
- 12 2. Plaintiffs may propound further written discovery once they have
13 reviewed the documents in this case; and
- 14 3. Plaintiffs issued their initial expert disclosure on May 11, 2018, the same
15 day the Court denied the original stipulation seeking an extension without
16 prejudice. Plaintiffs will need additional time to designate additional
17 expert witnesses after Plaintiffs have had an opportunity to view
18 Defendants responses to Plaintiffs' outstanding discovery requests and
19 Defendants' own expert witness disclosures.
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21 **B. Defendant:**

- 22 1. Defendants would like to take the depositions of the Tabitha Thomas,
23 Wesley Rees, Alicia Hines, and various State of Nevada, Oregon DHS and Washington DSHS
24 witnesses to be determined once Defendants have reviewed Plaintiff's recent disclosure of
25 substantive documents from Oregon and conducts other discovery;
26
- 27 2. Defendants will propound additional written discovery to Plaintiffs;
28

3. Defendants will respond to Plaintiffs' additional written discovery on 5/23/18; and

4. Defendants require additional time to designate experts and consider rebuttal experts; and

The parties will continue to work together to get the remaining discovery done and depositions completed.

IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY:

The parties have agreed to extend all of the discovery deadlines in this case by 90 days, as set forth below:

1. Extend the date to disclose initial expert witnesses from 5/10/18 to 8/10/18
2. Extend the date to disclose rebuttal expert witnesses from 6/8/18 to 9/7/18
3. Extend the discovery cut-off date from 7/10/18 to 10/10/18
4. Extend the date to file dispositive motions from 8/8/18 to 11/8/18;

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5. Extend the date to file the Joint Pre-Trial Order from 9/7/18 to 12/7/18. In the event dispositive motions are filed, the date set for filing the Joint Pre-Trial Order shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of the court.

DATED: May 21, 2018

/s/ Justin L. Wilson, Esq.

Justin L. Wilson, Esq.
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Attorney for Plaintiffs

DATED: May 21, 2018

/s/ Allen M. Ressler, Esq.

Allen M. Ressler, Esq.
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Attorney for Plaintiffs

DATED: May 21, 2018.

/s/ Felicia Galati, Esq.

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Las Vegas, Nevada 89129
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Attorney for Defendants

ORDER

IT IS SO ORDERED this 23 day of May, 2018.

NO FURTHER EXTENSIONS SHALL BE GRANTED


UNITED STATES MAGISTRATE JUDGE

Submitted by:

OLSON, CANNON, GORMLEY
ANGULO & STOBERSKI

/s/ Felicia Galati, Esq.

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